

SEP 20 2014

A091 (Rev. 8/01) Criminal Complaint

David J. Bradley, Clerk of Court

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS**

UNITED STATES OF AMERICA

V.

Juan DOMINGUEZ

CRIMINAL COMPLAINT

Case Number: C-14-1003M

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 9/19/2014 in Kenedy County, in the
(Date)

Southern District of Texas defendant, **Juan DOMINGUEZ**

did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324
I further state that I am a(n) Special Agent and that this complaint is based on the
following facts: Official Title

See Attached Affidavit of ICE Special Agent **Edwin Lopez**

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Submitted by reliable electronic means, sworn to and signature attested telephonically per Fed.R.Crim.P. 4.1


Signature of Complainant

Edwin Lopez

Printed Name of Complainant

~~Signature of Complainant and Signature of Judicial Officer~~

September 20, 2014

Date

Jason B. Libby U.S. Magistrate Judge

Name and Title of Judicial Officer

at

Corpus Christi, Texas

City and State


Signature of Judicial Officer

AFFIDAVIT

On September 19, 2014 Homeland Security Investigations (HSI) Corpus Christi, Texas Special Agents were contacted by the U.S. Border Patrol in Kingsville, Texas regarding a one on two alien smuggling case. USBP agents encountered Juan DOMINGUEZ at USBP checkpoint in Sarita, Texas smuggling two undocumented aliens inside a speaker box in the back seat of a 1999 black Dodge Ram 1500 bearing Texas, License Plates DRN0391. After being presented the facts of the case TFO Edwin Lopez contacted AUSA Ken Cusick. After being presented the facts of the case, AUSA Cusick agreed to prosecute Juan DOMINGUEZ for violation of Title 8 USC 1324, Alien Smuggling.

On September 19, 2014, Border Patrol Agent, Elias Garza was assigned to Primary Inspection Duties at the U.S. Border Patrol Checkpoint near Sarita, Texas. Assisting him in primary was Border Patrol Agent Gregorio Reyes and his canine partner Maya. At approximately 6:00 A.M. BPA Garza observed a black extended cab Dodge Ram enter the primary inspection area for an Immigration Inspection with one (1) visible occupant as it approached.

BPA Garza identified himself as a U.S. Border Patrol agent and quickly established Juan DOMINGUEZ's U.S. citizenship. As BPA Garza was conducting immigration inspection BPA Reyes and his canine partner Maya were conducting a non-intrusive free-air sniff of the vehicle. BPA Garza questioned DOMINGUEZ as to where he was coming from, and he replied Brownsville. BPA Garza noticed his eyes were unusually big and fixated on him and he hardly looked away. DOMINGUEZ looked very stiff and BPA Garza noticed his chest would expand with every breath as his breathing became labored. DOMINGUEZ appeared to be overly polite as he would respond with a "sir" after every question I asked. BPA Reyes told BPA Garza his canine alerted to the vehicle at which point BPA Garza asked DOMINGUEZ for consent to search his vehicle. DOMINGUEZ agreed and was instructed to move his vehicle into the secondary inspection area and remain in the vehicle.

Once in the secondary area, DOMINGUEZ was asked to exit the vehicle and was escorted into the waiting area. BPA Reyes along with canine partner Maya conducted a systematic search of the pick-up truck. BPA Reyes later advised me that his canine partner had alerted and indicated to a black speaker box located in the rear of the cab. Upon further inspection of the speaker box by BPA Reyes noticed a person's foot inside of the box. BPA Reyes then called for assistance to take custody of the people inside of the box.

Border Patrol Agents Derek Runyon and Luis Salazar took custody of the two people concealed under the speaker box and escorted them inside the Sarita Checkpoint for processing. DOMINGUEZ was also taken into custody and escorted into the Sarita Checkpoint.

Juan DOMINGUEZ was read his Miranda Warnings as per I-214 by Border Patrol Agent Elias Garza on 09/19/2014 at 0615 hours. DOMINGUEZ stated that he understood his Miranda rights

and indicated this by signing the I-214 accordingly. DOMINGUEZ stated that he did wish to answer questions about his case without the presence of a lawyer to advise him. Accordingly he did sign the waiver. This was witnessed by Border Patrol Agent Victor Barroso.

PRINCIPAL STATEMENT:

DOMINGUEZ stated that his brother-in-law (Jiovanni Barron) called him yesterday and told him he had a job for him. He told him that he had two people that needed to go to Houston and he would get paid \$1700.00 total. I met Jiovanni at my mom's house and picked up the two people he had waiting for him. DOMINGUEZ stated that when he picked up the two aliens (later identified as MORGADO-Sanchez, Rosalba and LOPEZ-Garcia, Evaristo Javier) DOMINGUEZ stated that he knew they were illegals. At DOMINGUEZ mom's house he put MORGADO-Sanchez and LOPEZ-Garcia in the truck and covered them with the speaker box. DOMINGUEZ stated he was supposed to call his sister (Rosa Maria DOMINGUEZ) when he got through the checkpoint so he could meet her in Refugio, Texas. DOMINGUEZ stated that his sister was supposed to meet him at a restaurant in Refugio so she can give him \$1700.00 and take the illegal aliens to Houston

ALIEN STATEMENT:

Rosalba MORGADO-Sanchez, was read her Miranda Warnings as per I-214 by Border Patrol Agent Derek Runyon on 09/19/2014 at 0615 hours. MORGADO-Sanchez stated that she understood her Miranda rights and indicated this by signing the I-214 accordingly. MORGADO-Sanchez stated that she did wish to answer questions about her case without the presence of a lawyer to advise her. Accordingly she did sign the waiver. This was witnessed by Border Patrol Agent Michael Linder.

MORGADO-Sanchez stated that she crossed into the United States about one week ago around 8:30 P.M. After crossing the river MORGADO-Sanchez walked for five or ten minutes to a house. From that house she stated she was taken to another house where her and her husband got into a black truck and a box was put over them. MORGADO-Sanchez was in the box for about forty minutes but stated they were always able to breathe. MORGADO-Sanchez never felt how heavy the box was, but stated that if she would have tried to stand up she could have. MORGADO-Sanchez stated that she would talk to her husband and check to see if he was doing okay. MORGADO-Sanchez was never really afraid because she could always breathe. MORGADO-Sanchez heard the driver trying to talk to her but I could not understand what he was saying.

ALIEN STATEMENT:

Evaristo Javier LOPEZ-Garcia was read his Miranda Warnings as per I-214 by Border Patrol Agent Victor Barroso on 09/19/2014 at 0630 hours. LOPEZ-Garcia stated that he understood his Miranda rights and indicated this by signing the I-214 accordingly. LOPEZ-Garcia stated that

he did wish to answer questions about his case without the presence of a lawyer to advise him. Accordingly he did sign the waiver. This was witnessed by Border Patrol Agent Elias Garza

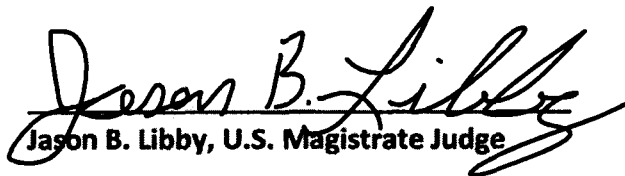
LOPEZ- Garcia crossed into the United States a last Friday around 8:30 P.M. After crossing, he was taken to a house in Mcallen for five days. LOPEZ- Garcia was taken from that house to another house in Brownsville, Texas in a brown truck. LOPEZ- Garcia was put inside of another black (in color) truck which started to head north. LOPEZ- Garcia and his wife MORGADO- Sanchez were put under a box. LOPEZ- Garcia indicated that he could always breathe. LOPEZ- Garcia indicated that the box wasn't heavy and he never feared for his life. LOPEZ- Garcia was under the box for about forty or forty-five minutes before getting discovered by the United States Border patrol.

AUSA Ken Cusick was notified of these facts and agreed to prosecute Juan DOMINGUEZ for violation of Title 8 USC 1324.



Edwin Lopez
Border Patrol Agent
U.S. Border Patrol

SUBSCRIBED AND SWORN TO
BEFORE ME THIS 20th Day
of September 2014



Jason B. Libby, U.S. Magistrate Judge